

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No.: 3:10-CR-53-1
	)	(VARLAN/SHIRLEY)
RAYNARD DAVIS,	)	
	)	
Defendant.	)	

**ORDER**

This criminal case is before the Court for consideration of the Report and Recommendation, entered by United States Magistrate Judge C. Clifford Shirley, Jr., on March 28, 2012 (the "R&R") [Doc. 395]. There have been no timely objections to the R&R and enough time has passed since the filing of the R&R to treat any objections as having been waived. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); Fed. R. Crim. P. 51. In the R&R, Magistrate Judge Shirley recommends that the defendant's Motion to File Notice of Appeal Nunc Pro Tunc to: May 10, 2011 [Doc. 385] be granted and the defendant's Notice of Appeal [Doc. 384] be filed *nunc pro tunc* to May 10, 2011; recommends that the defendant's Motion to Proceed In Forma Pauperis [Doc. 389] be granted and that the defendant be permitted to proceed on appeal without payment of fees or costs; and recommends that the defendant's *pro se* request [Doc. 388] for the appointment of counsel be denied as moot.

After a careful review of the R&R, the Court is in agreement with Magistrate Judge Shirley's recommendations, which the Court adopts and incorporates into its ruling. Thus, the Court **ACCEPTS IN WHOLE** the R&R [Doc. 395] and **GRANTS** the defendant's Motion to File Notice of Appeal Nunc Pro Tunc to: May 10, 2011 [Doc. 385]; **GRANTS** the defendant's Motion to Proceed In Forma Pauperis [Doc. 389], thus permitting the defendant to proceed on appeal without payment of fees or costs; and **DENIES as moot** the defendant's *pro se* request [Doc. 388] for the appointment of counsel. It is also **ORDERED** that the defendant's Notice of Appeal [Doc. 384] be filed *nunc pro tunc* to May 10, 2011.

IT IS SO ORDERED.

s/ Thomas A. Varlan

UNITED STATES DISTRICT JUDGE